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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,751	04/17/2001	Eric A. Reiners	00-143	7391

7590

10/03/2003

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EXAMINER

LOPEZ, FRANK D

ART UNIT

PAPER NUMBER

3745

DATE MAILED: 10/03/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,751

Applicant(s)

REINERS ET AL.

Examiner

F. Daniel Lopez

Art Unit

3745

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,23-27 is/are rejected.
- 7) ☒ Claim(s) 4,7 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 1, 2003 has been entered.

***Response to Amendment***

Applicant's arguments filed August 1, 2003, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 1, 2, 5, 6 and 23-27 have been considered but are deemed to be moot in view of the new grounds of rejection.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6 and 23-26 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Tennis (e.g. fig 6).

Claims 23, 24 26 and are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Suzuki et al.

***Claim Rejections - 35 USC § 103***

Claim 1 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwab. Schwab discloses a hydraulic system, comprising first and second controllable valves

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(144, 134, fig 6) connected to a hydraulic pump (122), by a common inlet, and to first and second hydraulic loads (129, 22c), respectively; but does not disclose that the independent metering valves are an assembly.

Official notice is taken that it is well known to combine a plurality of valves into a valve block assembly, for the purpose of ease of assembly of the system. It would have been obvious at the time the invention was made to one having ordinary skill in the art to combine the plurality of valves of Suzuki et al into a valve block assembly, for the purpose of ease of assembly of the system.

Claim 2 is rejected under 35 U.S.C. § 103 as being unpatentable over Schwab in view of Crull et al. Schwab discloses all the elements of claim 2, including that one of the motors is a fan motor (22c) and the other can be a steering motor or other motor (column 9 line 2-5); but does not disclose that the other motor is a brake.

Crull et al teaches, for a hydraulic system comprising a pump (12) connected to a power steering system (18, column 3 line 53-55) and a fan motor (38); that the pump is also connected to a brake system (16).

Since Crull et al teaches powering a brake and a power steering motor with a pump, which also delivers fluid to a fan motor; it would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the power steering motor of Schwab with a brake, as taught by Crull et al, as a matter of engineering expediency.

Claim 27 is rejected under 35 U.S.C. § 103 as being unpatentable over Suzuki et al in view of Crull et al. Suzuki et al discloses a method of controlling a hydraulic system comprising directing fluid from a pressure source to a fan motor (17) and power steering motor (16) through first and second controllable valves (126, 127, respectively, in fig 3), respectively; a third controllable valve (140) connected between the fan motor and tank; but does not disclose that the power steering motor is a brake.

Crull et al teaches, for a hydraulic system comprising a pump (12) connected to a power steering system (18, column 3 line 53-55) and a fan motor (38); that the pump is also connected to a brake system (16).

Since Crull et al teaches powering a brake and a power steering motor with a pump, which also delivers fluid to a fan motor; it would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the power steering motor of Suzuki et al with a brake, as taught by Crull et al, as a matter of engineering expediency.

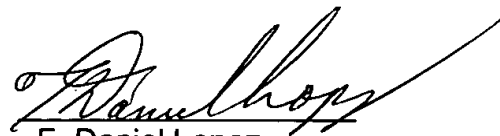
### ***Conclusion***

Claims 4, 7 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21 and 22 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is (703) 308-0008. The examiner can normally be reached on Monday-Thursday from 6:30 AM -4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on (703) 308-1044. The fax number for this group is (703) 872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.



F. Daniel Lopez  
Primary Examiner  
Art Unit 3745  
September 29, 2003